

Section V: Emergency Action of Students Charged with a Criminal Act

A student charged with a crime, either a misdemeanor or felony, by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Dean for Special Student Services.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code without regard to the pendency of the civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean for Special Student Services. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to a violation of the Code were dismissed, reduced, or resolved in favor of or against the criminal defendant.

Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines there is a risk of substantial harm to the health or safety of the student or other individuals or to prevent the threat of disruption of, or interference with, the normal operations of the University. An individualized assessment will be made after consultation with the Office of the General Counsel and after considering the best available objective information.

Timeline of Process

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension, unless the student makes a written request asking that the hearing occur sooner than thirty (30) days. However, if the student submits a written request for an earlier hearing date, the hearing will not occur any sooner than ten (10) business days following the receipt of the written request. The Dean for Special Student Services will notify the student in writing and/or orally indicating the reason for the Emergency Action Suspension and the date, time, and place of the hearing.

A student may be suspended or expelled prior to the final resolution of the criminal matter, but a student has the affirmative duty to notify the University of the conclusion of the matter. After being duly notified of the scheduled disciplinary hearing, if the charged student is unable to appear due to incarceration or incapacitation at the time of the regular disciplinary hearing, the student may request in writing that the disciplinary hearing be postponed and rescheduled when he or she is able to appear, or after the conclusion of the criminal proceedings.

Additionally, the student has an affirmative duty to notify the University of any status change in the criminal matter. If a student does not provide such notice or fails to communicate with the University within one (1) calendar year, the University will take measures for permanent expulsion.

University Decisions Upon Criminal Conviction

It is the University's policy that a student convicted of a felony shall be expelled from the institution, irrespective of the student's current enrollment status. A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the Dean for Special Student Services, which may be appealed through the Office of the Vice President for Student Affairs to the Office of the Provost or the Office of the Senior Vice President for Health Affairs for students in the Division of Health Affairs.